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October 10, 2014

VIA ELECTRONIC AND U.S. MAIL

Ms. Caroline Kwan
Remedial Project Manager
Special Projects Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region 2
290 Broadway, 20th Floor
New York, New York 10007-1866

Re: Progress Report No. 39 – September 2014
Newtown Creek Remedial Investigation/Feasibility Study

Dear Ms. Kwan:

Anchor QEA is submitting this monthly progress report for the Newtown Creek Remedial Investigation/Feasibility Study (RI/FS) on behalf of the Newtown Creek Group (NCG) Respondents to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). As set forth in Section 42 of said Settlement Agreement, this progress report is divided into the following areas:

1. Actions taken to comply with the Settlement Agreement during the previous month
2. Results of sampling and tests and all other data received by Respondents to the Settlement Agreement during the previous month
3. Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays
4. Work planned for the next 2 months with schedules relating to the overall project schedule for RI/FS completion

1. *Actions Taken to Comply with Settlement Agreement during Previous Month*

- The *Phase 2 Field Sampling and Analysis Plan – Volume 1 Addendum No. 1: Caged Bivalve Study* was submitted to USEPA on September 3. USEPA approval of this document was provided on September 5.
- The revised *Phase 2 Field Sampling and Analysis Plan – Volume 2* (Phase 2 FSAP Volume 2) and draft *Sources Sampling Approach Memorandum* (SSAM), which reflected the current status of point sources sampling locations and methods based on field reconnaissance, were submitted to USEPA on September 5.
- An oversight invoice for the period January 1 to June 30, 2014, was provided by USEPA on September 5.
- A monthly update meeting was held with USEPA in New York City (NYC) on September 11. Topics discussed during this meeting included: 1) Phase 2 field program update; 2) point sources sampling update; 3) fish and crab tissue collection update; and 4) shake test results update.
- Approval for the approach for striped bass, blue crab and Atlantic menhaden tissue collection discussed during the September 11 USEPA update meeting was provided by USEPA on September 16. On September 26, the NCG provided to USEPA information related to the limited number of American eel that were captured during Phase 2 (e.g., only one sample from the reference areas, which precludes any meaningful comparison between the Study Area and background) and concluded the analysis of the limited number of eel samples is inconsistent with the Phase 2 RI Work Plan and should not be done. On October 1, USEPA directed the NCG to analyze the captured American eel for ultimate use in the human health risk assessment as an alternate to spot because no spot were caught. The NCG is currently considering this issue.
- A letter detailing the point sources sampling delays caused by the City of New York and the associated effects of these delays on the current RI report schedule was sent to USEPA on September 22.
- Comments on the draft *Preliminary Modeling Results Memorandum* were provided by USEPA on September 25.
- The draft *Modeling Approach Memo (2)* was submitted to USEPA on September 30.
- Additional comments and conditional approval of the *Final Phase 2 Work Plan – Volume 2* (Phase 2 RI Work Plan Volume 2) and associated appendices were provided

by USEPA on September 30. The conditional approval included the point sources sampling locations identified in Table 5-1 and the RI/FS schedule (Figure 9-1) of the Phase 2 RI Work Plan Volume 2 and was provided under the provision that the additional comments provided by USEPA were agreed to and fully addressed.

- The Phase 2 field investigation continued in September. Specifically, the following activities were performed:
 - Fish and crab tissue sampling in the Study Area (completed week of September 1)
 - Wildlife surveys in the reference areas (completed week of September 8)
 - Sediment traps (retrieved, sampled, and redeployed week of September 15)
 - Caged bivalve deployment (week of September 15)
 - East River surface water sampling (week of September 15)
 - Acoustic Doppler current profilers (ADCPs), acoustic Doppler velocimeters (ADV), and sondes (retrieval, cleaning, and redeployment the week of September 8)
 - New York City Department of Environmental Protection (NYCDEP) point sources reconnaissance and site visits
 - Reconnaissance at BB-042, BB-040, and NCQ-637 (September 5)
 - Combined sewer overflow (CSO) sampling dry weather “dry run” for bulk sampling equipment at NCB-015 (September 19)
 - CSO sampling wet weather “wet run” at NCB-015 (planned for September 25 but not conducted due to lack of sufficient rainfall)
 - Coordination meetings were held with the City of New York (September 11)
 - Groundwater investigation activities (continued through September)
- The following activities continued in September:
 - Phase 2 field program planning and implementation

2. Results of Sampling and Tests and Other Data Received by NCG Respondents during Previous Month

- Quality control (QC) review of field data from the Phase 2 fish and crab sampling (Event 1) and East River surface water sampling was completed. The data for these program elements are included on the enclosed compact disc (CD).

3. Encountered and Anticipated Problems and/or Delays and Solutions Developed and Implemented to Address Them

- Progress on implementing the point sources sampling program has been slowed by the City of New York while attempting to fabricate equipment that meets the Phase 2 RI Work Plan objectives while still meeting NYCDEP requirements, as well as finalizing access agreements for NYC-owned properties. Coordination with NYCDEP continues. This includes weekly coordination calls with NYCDEP and USEPA, as well as the dry run, attempted wet run, and reconnaissance visits noted in Section 1 of this progress report.
- On September 24, Don Rosenberry from the U.S. Geological Survey (USGS) informed Anchor QEA that his last seepage meter was inoperable and under repair and that he is not comfortable going into the field without spare equipment and an uncalibrated repaired meter (his other two meters are also being repaired). These repairs and the fabrication of two new meters will take a while and, as a result, he would like to delay the seepage meter measurement until spring 2015. This issue was discussed with USEPA during a teleconference call on September 30. A formal recommendation to postpone the seepage measurement sampling was submitted to USEPA on September 30.

4. Work Planned for the Next 2 Months with Schedules Relating to the Overall Project Schedule for RI/FS Completion

- Project update meetings with USEPA are scheduled for October 9 and November 6.
- NCG responses to USEPA comments on the draft *Preliminary Modeling Results Memorandum* are planned for submission in October.
- Implementation of the point sources program is dependent on resolution of comments presented in USEPA's September 30 conditional approval of the Phase 2 RI Work Plan Volume 2, Phase 2 FSAP Volume 2, and draft SSAM.
- Continue the Phase 2 field investigation in October and November, including:
 - East River surface water sampling
 - ADCPs, ADVs, and sondes retrieval, cleaning, and redeployment
 - Sediment traps retrieval and redeployment
 - Caged bivalve study monitoring on day 15, 30 and 45 post-deployment

- Sampling at Category 2 and 3A point sources sampling locations is dependent on the finalization of an access agreement with NYCDEP. Sampling at these locations is dependent on NYCDEP providing further information, completion of the access agreement, and cooperation from NYCDEP, as detailed below:
 - o Outstanding questions remain about the following locations, and they cannot be sampled until these issues are resolved:
 - Traffic control at BB-009 (the replacement location for BB-013), NCB-083, and NCQ-029: Traffic control permits need to be secured from the New York City Department of Transportation (NYCDOT) to sample these outfalls. (Locations that were feasible without traffic control permits were tidally inundated.)
 - NYCDEP is still working on traffic control permits for NCQ-637. If NYCDEP cannot provide traffic control, traffic control permits need to be secured from NYCDOT to sample this outfall.
 - NYCDEP requires that a wet run to evaluate sampling logistics during a wet weather discharge event be conducted before sampling can occur at NYCDEP outfalls. As noted in Section 1, a wet run was attempted on September 25, but rainfall was insufficient. The wet run is pending a qualifying rain event.
- Sampling cannot occur at the following other point sources locations until access agreements are finalized:
 - o O-193: Green Asphalt Company – Current owner of Review Avenue Development I (*Data Applicability Report* [DAR] No. 41)
 - o BB-610: Sampling location at Amtrak Sunnyside Yard (DAR No. 102)
 - o HN-002: Sims Metal Management – Current owner of Hugo Neu Schnitzer (aka SIMS Hugo Neu) (DAR No. 125)
 - o O-55: Peerless Equities – Current owner at Empire Merchants/Former Paragon Oil Terminal (DAR No. 200)
 - o NCQ-422: Quadrozzi Realty – Current owner at Maspeth Concrete Loading Corp. (DAR No. 210)
- Groundwater investigation, including porewater sampler retrieval and surface sediment sampling

If you have any questions regarding this progress report, please do not hesitate to contact me at (201) 571-0912 (e-mail: jquadrini@anchorqea.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Quadrini", with a stylized flourish at the end.

Jim Quadrini, P.E., BCEE

Anchor QEA, LLC

cc: Joseph Battipaglia, USEPA Region 2 Co-Remedial Project Manager
Michael Mintzer, USEPA Region 2 Assistant Regional Counsel
Ian Beilby, NYSDEC, Division of Environmental Remediation
W. David Bridgers, Common Counsel for Newtown Creek Group Respondents
Edward Leonard, CDM Smith